

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DERRICK DALE FONTROY, I.	:	CIVIL ACTION
THEODORE B. SAVAGE, J.D.	:	
AARON CHRISTOPHER WHEELER	:	NO. 02-2949
JAMES S. PAVLICHKO	:	
	:	
v.	:	
	:	
MARK S. SCHWEIKER	:	
JEFFREY A. BEARD	:	
DONALD T. VAUGHN	:	
LESLIE HATCHER	:	
KIM ULISNY	:	

ORDER

AND NOW, this 12th day of April, 2007, it is **ORDERED** as follows:

1. The amended complaint is **DISMISSED** as to defendants Mark S. Schweiker and Leslie Hatcher only;¹
2. David DiGuglielmo is substituted as a defendant for Donald Vaughn;² and
3. Plaintiff James Pavlichko is **DISMISSED** as a plaintiff.³
4. The caption shall be **AMENDED** to reflect the above changes and shall read as follows:

¹ In the amended complaint, plaintiffs do not name Schweiker and Hatcher in the caption nor set forth any allegations against them. Thus, they have failed to state a claim against them.

² Effective August of 2003, David DiGuglielmo replaced Donald Vaughn as Superintendent of SCI Graterford. Under Fed. R. Civ. P. 25(d)(1), when a public officer is a party to an action in his official capacity and ceases to hold office during the pendency of the case, his successor is automatically substituted as a party.

³ On August 28, 2006, the court entered an order approving a Stipulation of Voluntary Dismissal entered into among plaintiff Pavlichko and the defendants. All of Pavlichko's claims against the defendants were dismissed with prejudice. See Document No. 278.

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v.	:	
	:	
JEFFREY A. BEARD,	:	
DAVID DIGUGLIELMO, and	:	
KIM ULISNY	:	

/s/ Timothy J. Savage
TIMOTHY J. SAVAGE, J.